



WEB COPY

W.P.No.16843 of 2020
& W.M.P.No.20891 of 2020



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.16843 of 2020
& W.M.P.No.20891 of 2020

A.Musthaba

...

Petitioner

versus

1.The State of Tamil Nadu,
Represented by the Secretary to Government,
Department of Agriculture,
Secretariat, Chennai - 600 009.

2.The Director of Agriculture,
Chepauk, Chennai - 600 005.

3.The Joint Director of Agriculture,
Cherry Road,
Salem - 636 001.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records in connection with the order passed by the 3rd respondent in Letter No.A2/811/2014 dated 20.01.2020 and quash the same and consequently directing the respondents to regularize the service of the petitioner in the post of Night Watchman in the Department of Agriculture with effect from the date of completion of 10 years of service with all monetary and service benefits within a time stipulated by this Court.

For Petitioner : Mr.R.Jayaprakash



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For Respondents : Mr.S.Silambanan
Additional Advocate General
Asst. for Mr.T.Arunkumar
Additional Government Pleader

ORDER

The petitioner has filed this petition seeking for a writ of Certiorarified Mandamus, calling for the records in connection with the order passed by the 3rd respondent in Letter No.A2/811/2014 dated 20.01.2020 and quash the same and consequently directing the respondents to regularize the service of the petitioner in the post of Night Watchman in the Department of Agriculture with effect from the date of completion of 10 years of service with all monetary and service benefits.

2. Heard Mr.R.Jayaprakash, learned counsel for the petitioner, Mr.S.Silambanan, learned Additional Advocate General for Mr.T.Arunkumar, learned Additional Government Pleader for the respondents and perused the materials available on record.

3. The petitioner herein is a Night Watchman on daily wages, who sought for regularisation of service with effect from the date of completion of 10 years of his service. As his request was not considered, he had filed a



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Writ Petition before the Madurai Bench of this Court in W.P.(MD)No.18491 of 2015. By an order dated 18.11.2019, this Court had directed all the respondents including the Government to consider the claim of the petitioner, in the light of G.O.Ms.No.56, Agriculture Department, dated 28.03.2018 and pass appropriate orders on merits. The Joint Director of Agriculture has now passed an order rejecting the petitioner's request for regularisation.

4. When a similarly placed person has filed a Writ Petition before the Madurai Bench of this Court in W.P.(MD)No.16634 of 2020 *vide* order dated 03.08.2022 this Court has held as under:-

“2. The issue as to whether the services of the petitioner can be regularised or not is required to be taken by the Government and the Joint Director may not be an appropriate and proper party to take a decision on the same. As such, the petitioner's request for regularisation to be reconsidered by the Government.

3. On this short ground alone and without going into the merits of the petitioner's claim for regularisation, the impugned order is set aside and the matter is remanded back to the first respondent for reconsideration. The first respondent



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shall consider the petitioner's request, in the light of the order passed by this Court in W.P.(MD)No.18491 of 2015 dated 18.11.2019.”

5. Since the above observation is applicable to the facts and relief sought in the present case also, this Writ Petition can also be disposed in similar lines.

6. In view of the above, this Writ Petition is disposed and the first respondent is directed to consider the petitioner's request, in the light of the order passed by the Madurai Bench of this Court in W.P.(MD)No.18491 of 2015 dated 18.11.2019. No costs. Consequently, connected Miscellaneous Petition is closed.

31.10.2023

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



To

- 1.The Secretary to Government,
State of Tamil Nadu,
Department of Agriculture,
Secretariat, Chennai - 600 009.
- 2.The Director of Agriculture,
Chepauk, Chennai - 600 005.
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R.N.MANJULA, J.

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